From: John Austin [mailto:austin4102000@yahoo.com]
Sent: Friday, July 14, 2006 7:52 AM
To: Mirzakhalili Ali (DNREC); Amirikian Ronald A. (DNREC)
Subject: Multi-Pollutant Reg comments

Ronald Amirikian
Planning Supervisor
Air Quality Management Section
Delaware Department of Natural Resources and Environmental Control
156 S. State Street
Dover, DE 19901

Dear Mr. Amirikian,

I take this opportunity to provide specific comment on the proposed "Electric Generating Unit (EGU) Multipollutant Regulation." outlined June 6, 2006, and the draft regulation released July 3, 2006.

Nitrogen Oxides

The regulation as outlined would set a mass cap based on 0.10 lb/mmbtu and 100% capacity. As a result, emissions would be reduced to 7942 tons in 2009. This provision would force the coal and oil fired units to put in place some controls in 2009, but far less than is needed to reduce emissions to the Clean Air Interstate Rule (CAIR) 2009 allocation of 4166 tons or the 2015 allocation of 3472 tons. A 68.8% reduction from current levels is needed to ultimately balance emissions with the 2015 allocation. Other provisions outlined would limit max 24-hr rolling average emission rates to 0.15 lb/mmbtu in 2009 and 0.125 lb/mmbtu in 2012. At current levels of operation, neither emission limit would balance emissions with the CAIR budget emission allocations. Compliance with existing federal regulation would require the units to purchase additional emission credits, but not to cut emissions below the state allocation cap for the foreseeable future. Units are free to simply purchase emission credits and continue emissions at the maximum 24-hr rolling average rates to be allowed by this regulation. The primary short comings of the proposal are that there is no date certain by which controls have to be in place to achieve the reductions needed just to meet the federal baseline program, and modeling indicates that even those reductions are not enough to address Delaware's ozone problem. The proposed regulation simply does not go far enough. It is up to DNREC to address Delaware's ozone problems, and to that end the proposal simply fails.

We request that the regulation be strengthened to force greater actual reductions be achieved. For a balance in emissions and allocations to occur, maximum 24-hr rolling average emissions rates of the coal and oil fired units need to be cut from 0.15 lb/mmbtu to 0.10 lb/mmbtu, and from 0.125 lb/mmbtu to 0.08 lb/mmbtu. The proposal should set a date certain for the existing units to have achieved the reductions needed to balance emissions with the allocated emissions of the federal program no later than 2012, and limit total statewide emissions to no more than 3472 tons beginning in 2012. If a new facility is indeed to be constructed, then even further reductions in emission rates will be

needed to balance emissions with the CAIR program allocations. As in the pending Clean Air Planning Act of 2006 (CAPA), all units also should be required to have state of the art controls in place by their 50th year of operation.

Sulfur Dioxide

The regulation as outlined would set a mass cap based on 0.18 lb/mmbtu and 100% capacity. As a result, emissions would be reduced to 14295 tons in 2009. Other provisions outlined would limit maximum 24-hr rolling average emission rates to 0.37 lb/mmbtu in 2009 and 0.26 lb/mmbtu in 2012. The 2012 72.8% reduction in current facility emissions that would result from these provisions are almost precisely those offered by the industry position (70%), while emission reductions of 90% are feasible. Should the CAPA of 2006 be enacted further reductions of 82% from current levels would be required. The incremental benefits form sulfur dioxide emission reductions far outweigh the costs. Still further reductions will be necessary to abate current ground level ozone problems here in Delaware. Further reductions remain feasible and cost effective, and should be adopted.

Mercury

We are pleased the regulation as outlined will prohibit mercury emission trading and seeks to achieve 80% removal in 2009 and 90% removal by 2013. The regulation would also cap emissions at 50.9 pounds in 2013 for existing units, and set maximum emission rates. However, each of the three aspects of regulation alone would achieve a different overall limit on emissions. The allocations of Table 3 should be modified to reflect total emissions of just 36.6 pounds beginning in 2013. That is 90% of current emissions and levels more consistent with the limits set by maximum emission rates.

Because of the dire effects mercury emissions have on the developing fetus and young children, still further future reductions are needed. The addition of a new facility should not be allowed to increase overall mercury emissions. Existing facilities should further reduce emissions by 95-98% of current emissions or be closed in order to hold emissions at a statewide cap of no more than 36.6 pounds. The goal should be the ultimate elimination of mercury emissions.

Sincerely,

John J. Austin